

REMARKS:

Claims 82-93, 98-114, 118-120, 122, and 130-138 were pending in the application. Claims 130-132 have been canceled. Claim 139 has been added. Claims 82, 83, 86, 90-93, 98, 100, 101, 105, 108-112, 118, 133, 134, and 136-138 have been amended. Therefore, claims 82-93, 98-114, 118-120, 122, and 133-139 are now pending in this application.

Statement of Substance of Interview

Applicant thanks the Examiner for extending the courtesy of conducting telephone interviews on September 29, 2009. Participating in the interview were Examiner Crawley and Applicant's undersigned representative. Applicant's proposed claim amendments in view of the cited art were discussed. The Examiner agreed that the proposed claim amendments overcome the present rejections.

Claim Objection

Claim 101 has been amended to address informalities identified in the Office Action. Reconsideration and withdrawal of the objection to claim 101 is respectfully requested.

Art-Based Rejections

Claims 82-92 and 98-99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burke (US Patent No 6,304,855) in view of Kerret (International Publication No. WO 01/69364) and further in view of Kanefsky (US Patent No. 6,603,984). Claims 100-122 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerret in view of Burke and further in view of Kanefsky. Claims 130-138 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanefsky in view of Burke. Applicant respectfully disagrees with the present rejections. However, amendments are presented herein in an effort to bring the claims to issue more rapidly. In view of the present claim amendments and remarks, withdrawal of the § 103 rejections of the pending claims is respectfully requested.

Claim 82 has been amended to recite “in response to receiving an incoming phone call, the wireless telephony device switching from the first operating mode to a second operating mode, wherein the second operating mode includes discontinuing the displaying of the first image and the second image.” Applicant submits that this limitation is not taught or suggested by the cited references.

The Office Action admits that Burke fails to disclose the feature “wherein in response to receiving an incoming phone call or initiating an outgoing phone call, the wireless telephony device switching from the first operating mode to a second operating mode, wherein the second operating mode does not include displaying the display area” recited in examined claim 82. Office Action at 4. Kaefsky is cited as teaching this feature:

[S]ee for example column 5, lines 21-29 [of Kanefsky], wherein as the customer navigates about a menu, the wireless device or the server can monitor the consumers actions and report the consumer's actions to the server or a memory of the server ... and store the information and see for example column 3, lines 5-9, wherein an activated script can assists in acquiring and coordinating any other desired service by evoking commands directed to various activities, such as ... placing a phone call to a particular service provider

Office Action at 4. Although Kanefsky discloses the automated placement of telephone calls, Kanefsky provides no teaching or suggestion of “switching from the first operating mode to a second operating mode” in response to “receiving an incoming phone call or initiating an outgoing phone call,” as recited in examined claim 82. Furthermore, claim 82 has been amended to recite “switching from the first operating mode to a second operating mode [that] includes discontinuing the displaying of the first image and the second image” in response to “receiving an incoming phone call.” Burke and Kanefsky are silent as to this feature, and thus fail to teach or suggest all features of claim 82.

Kerret does not cure the deficiencies of Burke and Kanefsky. The reference describes a virtual reality shopping system that provides three-dimensional content to a client. Kerret at Abstract. In contrast the recitation of the feature “in response to receiving an incoming phone call, the wireless telephony device switching from the first operating mode to a second operating mode [that] includes discontinuing the displaying of the first image and the second image” in claim 82, Kerret’s discussion of telephone calls appears to be limited to “the ability to place a

telephone call to customer service.” *See* Kerrett at page 12, lines 16-17. Thus, Kerret also fails to teach or suggest all features of claim 82.

For at least the reasons stated above, Applicant respectfully submits that the cited references do not teach or suggest all of the features recited in claim 82. Thus, a § 103 rejection of claim 82 is not supported. Similar remarks apply to the claims that depend from claim 82, and stand rejected on similar grounds. These remarks also apply to independent claims 100, 133, 134, 137, and the claims that depend from them. Applicant notes that independent claims 100, 133, 134, and 137 each include additional features relating to “stor[ing] state information” and/or “display[ing] . . . using the stored state information.” Accordingly, Applicant respectfully requests reconsideration and removal of the present rejections.

Applicant also submits that numerous additional ones of the dependent claims recite further distinctions over the cited art. As but one example, Applicant submits that the features “storing state information” and “using the stored state information to display at least one of the group consisting of the first image and the second image” recited in claim 93 is not taught or suggested by the cited references.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6257-32202/EM.

Also filed herewith are the following items:

- ☐ Request for Continued Examination
- ☒ Information Disclosure Statement
- ☐ Notice of Change of Address
- ☐ Petition for Extension of Time
- ☐ Other:

Respectfully submitted,

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